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EDITORIALS

EXTRADITION OF THE INSANE.

If any other evidence than that afforded by the Thaw case were required to draw public attention to the necessity for interstate extradition laws to govern the insane who have escaped from custody in one state and have fled into another, it is at hand, no doubt, in many states. The need for such legislation has been emphasized in an address by Dr. Henry R. Stedman of Boston before the Psychiatric Society of New York. The matter was referred to the Committee on Legislation of the society with instructions to draft a bill to be introduced in the legislature of the state of New York.

We cannot better illustrate the simple-mindedness of the state in her relations to the insane who, having committed criminal acts in one commonwealth, have escaped from restraint and fled across the state line, than by quoting the descriptions of cases from Dr. Stedman's address.

"The savage attack upon Postmaster Morgan of New York City on November 9, 1908, in which he was shot and seriously wounded, was made, it will be remembered, by an insane man, who immediately after the act took his own life. This person was a case of dementia præcox of the paranoid type. He was sensitive and socialistic and eccentric in behavior and personal appearance. He became the butt of the boys in his neighborhood, and in 1896 asked permission of the police to carry a revolver. This having been denied him, he armed himself with two, threatening to shoot his persecutors, and in 1897, when, as he claimed, they attempted to mob him, he shot one of them. In 1903 he shot in the face a fellow employee who had torn his coat in a scuffle, and refused to pay for it. He was then arrested and committed to the State Hospital at Worcester, Mass., to the present superintendent of which, Dr. Scribner, I am indebted for information regarding him. He had reflected for many years upon his adverse circumstances, gradually developing delusional ideas which involved these "toughs," whom he came to regard as responsible for his supposed reputation as a coward, etc. Failing to obtain justice at the hands of the police, he formulated a plan whereby in killing the whole gang, as well as himself, the inefficiency of those in authority would be exposed and an example set.

"On May 25, 1904, he escaped from the hospital, fled to New York City, and secured employment as stenographer for a law firm. When it became known that he was there the attempt was made through the state and local police to secure his return to the hospital. The district attorney decided that he could not be

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extradited. In the meantime his employers, who had been notified of the dangerous nature of his insanity, maintained that he was sane and would fight any attempt to return him to the hospital. The patient at the same time retained the services of a Worcester lawyer. His dying statement was that he shot the postmaster 'as the last protest of a poor man against the custom of never enforcing laws against prominent and wealthy people.' He asserted that the postmaster had withheld a registered letter to him, and that he had selected the postmaster as his victim because he was the most prominent man who had antagonized him." * * *

"A more recent case is that of a woman of 28, a married nurse of considerable capability, intelligence, and superficial refinement, who left her husband in England and came to this country. Hers was a case of moral insanity. She was an inveterate liar, and was in a few days or weeks discharged from four or five hospitals in which she was employed. She continually defamed respectable physicians and families in which she was employed by wholly unfounded charges of gross immorality, and is reported to have administered overdoses of medicine and given morphine without orders. She had a proclivity for inventing circumstantial accounts of sexual conversations and experiences. Employers and friends questioned her mental soundness. She was arrested in the fall of 1910 for ransacking the apartments of her aged patient after her death. The robbery, which she denied having committed, was so wholesale and the articles stolen so valuable as to expose her to immediate detection. She was committed to the Reformatory for Women in March, 1911. After several examinations she revealed the fixed delusion that she was the victim of a plot to incarcerate her in order to prevent her from making scandalous disclosures regarding the family of a prominent and respected lawyer, which she maintained would ruin his political career. She repeatedly declared that his withdrawal of his name as nominee for a high office was wholly on this account. She narrated fictitious visits made by him to her patient, and said that he gave a false name in order to spy upon her. She also accused the superintendent of the Women's Reformatory of general persecution of her, of intimate and coarse conversation of a sexual nature with her, and confidences regarding the management of the reformatory impossible to have occurred, etc., etc. The writer certified that she was a case of congenital moral insanity of high grade, with late development of delusions of persecution, and a menace to society at large.

"She was accordingly transferred to a state hospital in Massachusetts on March 15, 1911. She escaped from that institution on September 28, 1912, and after a prolonged search by means of detectives, the police and circulars sent broadcast over this country and Canada, was finally located in a New York hotel where she had secured employment, without taking the simple precaution of assuming another name. She was apprehended and sent to the Manhattan State Hospital. Dr. Mabon, the superintendent, re-

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ports that while there the Bureau of Deportation of the New York State Hospital Commission attempted to have her returned to Massachusetts; accordingly she wrote and secured the services of a woman lawyer, who obtained a writ of habeas corpus, on which five hearings were held. She succeeded in postponing the case and on various pretexts, greatly delaying the settlement. For some time the contest was over the legality of extraditing an insane person, and only at the last moment was the evidence brought out that when transferred from the Massachusetts Reformatory to the state hospital there she had not completed her sentence, and was still a criminal under state control. The writ was accordingly dismissed and the patient deported to the Massachusetts hospital on January 29, 1913."

It is undoubtedly true, as Dr. Stedman says, that many such characters as those described above are, under our present laws, or lack of laws, returned quietly to the communities from which they have made their escape and no questions are asked, *provided they have no influential but misguided friends to take up technical cudgels for them*. But it is different when wealth, influence, and ignorance combine to fight for the unjustified liberty of the unfortunate "guilty-but-insane." Additional statutes to protect against such sinister influence would serve a good purpose and we hope that the Institute of Criminal Law and Criminology will take the matter up and prosecute it with vigor. Massachusetts led the way in this matter, prompted by the attempted assassination of Postmaster Morgan in 1909, referred to above. Her law, says Dr. Stedman, is the only interstate rendition law in the United States applicable to insane persons. We quote the statute in full below :

Sec. 87. The governor may, upon demand, deliver to the executive of any other state or territory any person who has escaped from an institution for the insane, public or private, to which he has been committed under the laws of such state or territory, and who may be dangerous to the safety of the public, or may upon application appoint an agent to demand of the executive authority of any other state or territory any such person who has escaped from such an institution in this commonwealth. Such demand or application shall be accompanied by an attested copy of the commitment and sworn evidence of the superintendent or keeper of the institution stating that the person demanded has escaped from such institution, and by such further evidence as the governor may require.

Sec. 88. If the governor is satisfied that the demand conforms to law and ought to be complied with, he shall issue his warrant under the seal of the commonwealth to an officer authorized to serve warrants in criminal cases, directing him at the expense of the agent who makes the demand, at a time designated in the warrant, to take and transport such person to the boundary

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line of his commonwealth and there deliver him to such agent. The officer may require aid as in criminal cases.

Sec. 89. A person who is arrested upon such a warrant shall not be delivered to the agent of a state or territory until he has been notified of the demand for his surrender and has had an opportunity to apply for a writ of habeas corpus, if he claims such right of the officer who makes the arrest. If the said writ is applied for, notice thereof and of the time and place of hearing shall be given to the attorney-general or district attorney for the district in which the arrest is made. An officer who delivers such person in his custody upon such warrant to such agent for extradition without having complied with the provisions of this section shall forfeit not more than one thousand dollars. Pending the determination of the court upon an application for the said writ the person shall be detained in custody in a suitable hospital for the insane.

Sec. 90. If the application for the arrest of a patient escaped from an institution, public or private, in this commonwealth, is complied with and an agent is appointed, his account shall be paid by the institution from which the patient escaped, but the governor may direct the whole or part of such account to be paid by the commonwealth.”¹

ROBERT H. GAULT.

COMMON SENSE RELATION OF POLICE AND OFFENDER.

Maltreatment of a first offender by an arresting authority, particularly where there is no provocation, is known to have prompted the unfortunate subject to become more hardened and to depart from the trifling to the serious practices. Individuals apparently without force are often prodded to desperation by a controlling physical or moral influence. The individual who is authorized to arrest possesses great power and should ever be mindful of the fact that the law contemplates that penalties for violation shall not be in any wise imposed until after a presentment and hearing before a competent court. The fear of arrest carries with it suffering for the apprehensive one, even

¹*Commonwealth of Massachusetts v. Klaus*. Decision rendered July 7, 1911. In 145 Appellate Division Reports of Supreme Court of New York, page 798.

One of the highest legal authorities, a former attorney-general of Massachusetts, pronounces this act as constitutional and manifestly in the public interest because if uniformly adopted a state could enforce its responsible and continued control over a dangerous insane person escaping into another state and the community into which he had come would be delivered of the danger of his presence and responsibility for his care. The operation of the act, however, might be hampered because of constitutional questions arising in *habeas corpus* proceedings regarding the expulsion from a state of any person other than a fugitive charged with crime. It is therefore, he thinks, of the utmost importance that such statutes should be most carefully drawn in order to eliminate these questions so far as possible.